

Morgantown



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News, Literature, Agriculture, and Morality.

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S. SIEGFRIED, Editor and Proprietor.
S. SIEGFRIED, Junr., Assistant Editor.

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TERMS:
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ELECTION LAWS.

AN ACT

Providing for the Election, Qualification,
Powers, Duties and Compensation
of Justices of the Peace, Clerks
of Circuit and County Courts, Sher-
iffs, Commissioners of the Revenue,
Surveyors, Constables and Overseers
of the Poor.

1. Be it enacted by the general assembly, That on the fourth Thursday in May next there shall be elected by the voters in each county a clerk of the county court, a surveyor, an attorney for the commonwealth, a sheriff, and a commissioner of the revenue, or so many commissioners of the revenue as may be authorized by law; and in each of the corporations of Richmond, Norfolk, Fredericksburg, Lynchburg, Winchester, Danville, Staunton and Williamsburg, by the voters thereof respectively, a commissioner of the revenue; in each county for which a circuit court is held, a clerk for such court; in the city of Richmond, a sheriff; in each city in which a circuit court is held, an attorney for the commonwealth and a clerk for such court; and in any other corporation in which a circuit court is held, an attorney for the commonwealth for such corporation, and a clerk for each court; in any county and city for which together a circuit court is held, an attorney for the commonwealth and a clerk for such court; in each district laid off by commissioners under the act providing for districting the counties, passed April 2d, 1852, four justices of the peace; in every such district, one constable, and in every such district, by the voters without the limits of a town that provides for its poor, one overseer of the poor, or such additional number as the court of the county may direct; and an election shall be held in like manner on the same day in every sixth year thereafter for such clerks and surveyors; and on the same day in every fourth year thereafter, for justices of the peace, attorneys for the commonwealth and overseers of the poor, and on the same day in every second year thereafter, for sheriffs, commissioners of the revenue and constables; *Provided*, That the constables elected under this act shall have power to perform the duties of their office in districts other than those in which they were elected; *And provided further*, That the voters of the cities of Norfolk, Petersburg and Williamsburg, and of the towns of Fredericksburg, Lynchburg, Winchester and Danville, shall not be authorized to vote for surveyors for the several counties in which they are respectively located.

2. The number of commissioners of the revenue for each county shall be that prescribed by law; and there shall be elected as aforesaid for each revenue district laid off as prescribed by law, one commissioner, who shall, during his term of office, reside in the district for which he was elected, and his removal therefrom shall vacate his office; *Provided*, That the voters residing within any corporation who are hereby authorized to elect a commissioner of the revenue for such corporation shall not vote for the commissioners of the revenue for the county within the limits of which such corporation may lie.

3. On or before the first day of May next, the governor, or if he be absent from the seat of government the lieutenant governor, shall appoint three commissioners in every such county, city and corporation, who shall superintend the elections authorized by this act at the courthouses of their respective counties, cities and corporations; and said commissioners shall appoint for each separate place of voting therein three commissioners to superintend the election at such place of voting; and shall also designate the officers to conduct the elections at the courthouses and precincts; but in the absence of any such officer, the commissioners for any precinct shall appoint the officers to conduct the election at such precinct. The commissioners so appointed shall, until their successors are appointed, superintend all elections to fill vacancies happening in any of said offices. The said

commissioners and officers shall respectively take the oaths, perform the duties, have the powers, be governed by the regulations, and be liable to the penalties prescribed by the Code of Virginia for commissioners superintending and officers conducting elections, except so far as the same are inconsistent with the constitution or this act. The said commissioners shall employ writers, and at such rate of compensation as the court of each county or corporation may direct; and they shall respectively take an oath, to be administered by said commissioners, to record the votes faithfully and impartially.

4. The court of each county and of each of the corporations of Richmond, Lynchburg, Williamsburg and Norfolk, shall, before any general election after the first authorized by this act, appoint five commissioners to superintend and officers to conduct such election at each place of voting in such county or corporation, to be subject in all respects to the provisions of this act concerning the commissioners and officers mentioned in the preceding section. Nothing in this act shall be held to repeal the provisions of an act passed April 20th, 1852, entitled "an act to elect certain state and municipal officers within the city of Petersburg."

5. If only one of the commissioners appointed to superintend any of said elections attends, he may associate with himself any freeholder of the district who may be present; if none of the commissioners attend, or if none should have been appointed, then any three freeholders in the district where the election is held, being present, and agreeing to act, shall be commissioners. Any such commissioner or commissioners appointed or agreeing to act in the manner prescribed by this section, shall take the same oath, perform the same duties, have the same powers, and be subject to the same penalties as if he or they had been originally appointed.

6. The same provisions which govern the opening and closing the polls in other general elections in this commonwealth, shall regulate the elections provided for in this act.

7. In the case of an election of an officer by the voters of a corporation, the officers conducting the same in the respective wards, or by the voters of the whole county, the officer conducting the same at the courthouse, and in the case of an election in a district, the officer or officers conducting the same, shall, within five days from the commencement of the election, examine the poll, ascertain the result, and declare the person or persons for whom the greatest number of votes was given to be elected; or if the greatest number of votes be equal for two or more persons, the officer or officers conducting the election in each ward, county or district shall decide forthwith by lot to whom the certificate shall be given; and he or they shall forthwith set up at the front door of the courthouse a notice of said election.

8. The officers and other persons holding and conducting such elections shall make true duplicate returns of the elections of justices of the peace, one of which returns shall be immediately transmitted by mail, by the officer conducting said election, to the governor, and the other return shall be handed by such officer to the clerk of the county court, to be filed in his office; and the said clerk shall forthwith send a certified copy of such return to the secretary of the commonwealth. The said officers and other persons shall make true returns of the other officers elected under this act, which shall be handed to the clerk of the county or corporation court, to be filed in his office.

9. The returns of the elections of justices of the peace, of clerks of the county and circuit courts, of attorneys for the commonwealth, surveyors, sheriffs, commissioners of the revenue, constables and overseers of the poor under this act, shall be subject to the enquiry, determination and judgment of the respective county and corporation courts, or of the county court, in case the election was for a county and city, upon complaint of fifteen or more of the qualified voters of the county or corporation, or of the proper district, when the officer is elected by a district, of an undue election or false return, two of whom shall take and subscribe an oath or affirmation that the facts set forth in such complaint are true, to the best of their knowledge and belief; and the said courts shall, in judging of said elections, proceed upon the merits thereof, and shall determine finally concerning the same, according to the constitution and laws of this commonwealth; and such complaint shall not be valid or regarded by the court unless the same shall have been filed within ten days after the election in the clerk's office of the proper court; and when the complaint is of the undue election or false return of a justice of the peace, the clerk of the said court shall immediately certify to the governor the de-

ree of said court when made, and in whose favor such contested election shall have terminated, and the governor shall then commission such person in whose favor such contested election terminated; and in said last mentioned contested elections, in case such complaint be filed in due time, the clerk shall transmit by mail immediately to the governor a certified copy thereof; and in such case no commission shall be issued until the court shall have determined and adjudged on such complaint as aforesaid: *Provided, however*, That when the complaint is of the undue election and false return of a justice of the peace, all the justices composing the court shall be summoned for the trial of the complaint, and a majority of those not interested in the contest shall be present.

10. In every case, the party whose election is contested shall, within ten days after the complaint, be served with a copy of the complaint and notice of the contest, in the manner prescribed by the first section of chapter one hundred and sixty-seven of the Code of Virginia. Upon notice of the complaint being given as provided for in this section, each party shall be at liberty to proceed to take all proper depositions to sustain or invalidate said election, upon reasonable notice to the adverse party, and the court shall proceed, at the first session after the said complaint is made, to determine said contest without a jury, upon evidence thus furnished and upon oral testimony, if any, unless good cause be shown for a continuance.

11. The governor shall issue commissions, on the thirtieth day after the election, or as soon thereafter as may be, for justices of the peace under this act shall have been held, to such persons as shall appear to be duly elected, which shall be filed in the clerk's office of the county court; and every justice, after he has been commissioned, shall, before he enters upon the performance of any of the duties of his office, be qualified as now prescribed by law.

12. The justices of the peace so elected and commissioned shall meet at their respective courthouses on the days now established by law for holding courts in their respective counties next succeeding their election and commission; and if a majority of those elected for the county be present and commissioned, and qualify, they shall proceed to choose one of their own body, who shall be the presiding justice of the court, and whose duty it shall be to attend each term of said court. A record shall be made of the action of the court. If from any cause such election should not be made on that day, a summons shall be made for the justices to appear at the next court, when, if a majority be present, such election shall be made, the vote of a majority of those present being necessary for a choice. When the office of presiding justice becomes vacant from any cause, the court shall, all the justices being summoned, and a majority present, select a presiding justice of that court; and at the first session of a county court so elected, and at the first session of every such court after a general election, or so soon as may be, all the justices being summoned, the court shall classify the justices for the performance of their duties in court; and when a vacancy shall occur in any district, the justice elected to supply the vacancy shall occupy the place in said classification of the justice who preceded him.

13. If a vacancy occurs in the office of clerk of any such court, a clerk *pro tempore* may be appointed by the court; or, if the vacancy is in the office of clerk of a circuit court, he, the judge thereof, at a circuit court; and such court or judge, at the time of making such appointment, shall order a writ of election to fill the vacancy. The clerk *pro tempore* shall discharge the duties of the office until a clerk is elected and qualified.

14. Whenever a vacancy shall occur in the number of justices of which each district is authorized to elect, and in any of the other offices elections to which are provided for in this act, other than those mentioned in the preceding section, the county or corporation court shall order a writ of election to supply the said vacancy; and the county and corporation courts, as provided for in the second and third sections of this act, shall appoint commissioners and officers, with the same powers and duties as those appointed to superintend the general elections of said officers; and the said elections shall be held and conducted, and the returns made, and counted, and the results determined, in the same manner as in general elections for said officers: *Provided*, If the vacancy be in the office of attorney for the commonwealth in a circuit court held for a city or corporation, or for a county and city together, the hustings court of the city or corporation in the first case, and in the other case the county court, shall order the writ of election.

15. The officer or officers to whom any such writ of election is directed, shall give notice thereof, and of the time of elections, by advertisement, at two of the most suitable places in the district, where it is a district election: *Provided*, That when it is a county election the advertisement shall be made in each district.

16. The removal of a clerk of the circuit or county court of a sheriff or surveyor, from the county in which he was elected, shall be a vacation of his office; and the removal of an overseer of the poor or constable from the district in which he is elected, shall vacate the office to which he was elected. But the clerk of a circuit court now residing beyond the limits of the county in which he holds the office may be re-elected, and if elected, may continue to reside out of that county.

17. The office of justice of the peace shall be deemed vacant, not only when he dies, resigns or is removed from office, but also when he fails to qualify within thirty days after he receives his commission, or shall remove from the district in which he is elected.

18. The term of office of the commissioners of the revenue shall commence on the first day of February next succeeding the election. The term of office of the other officers whose election is provided for in this act shall commence on the first day of July next succeeding the election. And the clerks of the circuit and county courts and the surveyors shall continue in office for the term of six years; attorneys for the commonwealth, justices of the peace and overseers of the poor for the term of four years; sheriffs, commissioners of the revenue and constables, for two years from that day, unless sooner removed.

19. The officers aforesaid shall, before entering upon the discharge of their respective duties, take the oaths of office prescribed by the Code of Virginia and give all such official bonds as are now required of any such officers. The official bonds and oaths required to be administered and executed in any circuit court may be taken by or before the judge of such court in vacation, who shall cause to be entered of record in such court the proper orders evidencing the due qualification of any such officer, and shall certify the official bonds to the proper officers for record. Every such officer shall, either in the proper court or before a judge as aforesaid, take such oaths and give such bonds within sixty days after his election, and if he fail so to do, his office shall be deemed vacant; but his qualification, unless he be elected to fill a vacancy, shall not be deemed to take effect before the first day of July next after his election.

20. The clerks of the circuit and county courts and sheriffs may, as now provided, appoint deputies, with the same powers, duties, liabilities, and under the same provisions of law, as deputies are now appointed.

21. The powers and duties of clerks of the circuit and county courts, sheriffs, commissioners of the revenue, attorneys for the commonwealth, surveyors, overseers of the poor and constables, shall be such as were prescribed for those officers by the laws in force when the constitution was adopted, so far as the same are consistent with this act, and such as now are or may be hereafter prescribed by law. And for misconduct or neglect of duty, they shall be liable to the penalties now prescribed by law.

22. There shall be in each county of the commonwealth, in four of the months of every year, a quarterly term of every county court, and in every other month a monthly term thereof, to be held at the times and with the jurisdiction, so far as is consistent with the constitution and this act, now prescribed by law. The number of justices necessary to constitute a court of oyer and terminer, a court of examination and courts in all criminal prosecutions, shall be the same as now prescribed by law. In all civil cases, and in matters of county police, and in all other cases, except criminal, the presiding justice and two other justices of the county, or in the absence of the presiding justice, any three justices of the county, may constitute a court, except where it is now provided that more than four shall be necessary to constitute a court, in which case the number now provided shall be necessary: *Provided also*, That where a county levy is to be made, all the justices shall be summoned: *Provided moreover*, That nothing herein contained shall be construed as repealing any of the laws now in force requiring the summoning of all the justices to give validity to any action of the court.

23. The jurisdiction of justices shall be as now or may hereafter be prescribed by law.

24. The county and circuit courts shall have power to remove their clerks from office for malfeasance, misfeasance, or gross neglect of official duty; and for the same causes, the county courts, and every circuit court held for a city or county and city, which city elects its own clerk, may remove an attorney for the commonwealth, who may be removed by the county court, as now provided for the removal of the clerk of the circuit court for Richmond county, shall hereafter receive annually the sum of three hundred and seventy-five dollars, and the attorney for the circuit court of Henrico, the sum of one hundred dollars annually. The fees and allowances for clerks of the circuit and county courts, of sheriffs, constables, commissioners of the revenue, surveyors and overseers of the poor, shall be as now provided by law.

25. All acts and parts of acts relating to the appointment, duties, liabilities and powers of the officers, whose elections are provided for in this act, now in force, inconsistent with this act, are hereby repealed.

27. This act shall be in force from its passage.

ELECTION OF JUDGES.
AN ACT
Prescribing the times for the Commencement of the Official Terms of the Judges under the Amended Constitution, and providing for their Election by the Voters.

1. Be it enacted by the general assembly, That the first day of July next shall be the time for the commencement of the official terms of the judges under the amended constitution; and the first election of judges under the said constitution shall be held on the fourth Thursday of May next.

2. The office of Judge shall be deemed vacant not only when he dies, but also when he fails to qualify within thirty days next after he receives his commission.

3. When there shall be such vacancy in the office of judge as is mentioned in the preceding section, the governor shall make known the fact by proclamation published for such time and in such newspapers within the circuit or section and elsewhere as he may deem proper to give information thereof to the voters; and by such proclamation shall require an election to fill the vacancy to be held on a certain day, not less than one month nor more than four months next after the commencement of such publication, and in said proclamation shall specify what counties (and what cities or towns if any) constitute the circuit or section in which the vacancy exists; and a special election to fill such vacancy shall be held on the day specified in the proclamation.

4. Every election of a judge not provided for by either of the three preceding sections shall be held, if it be for a circuit, at the end of eight years, and if it be for a section, at the end of twelve years next after the previous election in such circuit or section, and on the same day of the month in which the said previous election was held, unless that day would come within the thirty days mentioned in the sixteenth section of the sixth article of the constitution, in which case the election shall be held on the first day afterwards that may be consistent with the said sixteenth section.

5. In every election of a judge there shall be opened in the several counties, cities and towns constituting the circuit or section for which the election is held, polls at the same places at which under the laws then in force polls are required to be opened in said counties, cities and towns for members of the general assembly; and they shall be kept open for the like time. The same commissioners and other officers who are to act at and in relation to other elections under the government of this state in the same year, at said places, shall act at and in relation to elections under this act, and have the like powers and perform the like duties, under the like penalties, except so far as is herein otherwise provided.

6. The meeting of officers, in the case of an election for a circuit, shall be on the eighth day, and in the case of an election for a section, on the fifteenth day next after that fixed for the commencement of said election. The place of meeting, when the election is for a circuit, shall be, if it be the first circuit, at the courthouse of the city of Norfolk; if the second circuit, at the courthouse of the city of Petersburg; if the third circuit at Charlotte courthouse; if the fourth circuit, at Franklin courthouse; if the fifth circuit, at Accomack courthouse; if the sixth circuit, at courthouse of the county of James City; if the seventh circuit, at courthouse of the city of Richmond; if the eighth circuit, at Essex courthouse; if the ninth circuit at Prince William courthouse; if the tenth circuit, at Loudoun courthouse; if the eleventh circuit, at the courthouse in the town of Staunton; if the twelfth circuit, at Rockingham courthouse; if the thirteenth circuit, at the courthouse in the town of Winchester; if the fourteenth circuit, at Alleghany courthouse; if the fifteenth circuit, at Raleigh courthouse; if the sixteenth circuit, at Pulaski courthouse; if the seventeenth circuit, at Washington courthouse; if the eighteenth circuit, at Putnam courthouse; if the nineteenth circuit, at Gilmer courthouse; if the twentieth circuit, at Taylor courthouse. The place of meeting, when the election is for a section, shall, if it be the first section, be at Charlotte courthouse; if the second section, at the courthouse in the town of Fredericksburg; if the third section, at Rockingham courthouse; if the fourth section, at Giles courthouse; and if the fifth section, at Wood courthouse.

7. The officers to meet shall be the same who would meet if the election were for a senatorial or congressional district composed of the several counties, cities and towns constituting the circuit or section, as the case may be; and they shall ascertain and decide

the election in like manner and have the like compensation.

8. So soon as the result of any election for a judge shall have been ascertained and declared by said officers, they shall make out returns of such election to the following effect: We—sheriff of—county, or sergeant of the city of—(or deputy of—sheriff of—county, or sergeant of—) do certify that at an election held on the—day of—(or the day of—) for the office of judge for the—circuit (or section)—was elected judge of the said circuit (or section) by the voters thereof. Given under our hands the—day of—, 1852. Which returns shall be deposited of in like manner as is provided in regard to returns for election of members of the general assembly.

9. This act shall be in force from its passage.

Passed the General Assembly 15th April, 1852.
GEO. W. MUNFORD, C. H. D.

Webster on the Compromise.
Mr. Tavenner, of the Alexandria Telegraph, recently addressed a letter to Hon. Daniel Webster for the purpose of drawing him out on the Compromise measures. The following is Mr. Webster's reply:

WASHINGTON, April 10, 1852.

Dear Sir: I have the honor to acknowledge the receipt of your letter of the 5th inst. and thank you for what you are pleased to say of my fidelity to great National Whig principles. I trust there is not a man in the country who doubts my approbation of those measures which are usually called "Compromise measures," or my fixed determination to uphold them steadily and firmly. Nothing but a deep sense of duty led me to take the part which I did take in bringing about their adoption by Congress, and that same sense of duty remains with unabated force. I am of opinion that those measures, one and all, were necessary and expedient, and ought to be adhered to by all the friends of the Constitution, and all lovers of their country. That one among them which appears to have given the greatest dissatisfaction—I mean the Fugitive Slave law—I hold to be a law entirely constitutional, highly proper, and absolutely essential to the peace of the country. Such a law is demanded by the plain written words of the Constitution; and how any man can wish to abrogate or destroy it, and at the same time say that he is a supporter of the Constitution, and willing to adhere to those provisions in it which are clear and positive injunctions and restraints, passes my power of comprehension. My belief is, that when the passions of men subside, and reason and true patriotism are allowed to have their proper sway, the public mind, North and South, will come to a proper state upon these questions. I do not believe that further agitation can make any considerable progress at the North. The great mass of the people I am sure are sound, and have no wish to interfere with such things as are, by the Constitution, placed under the exclusive control of the separate States. I have noticed, indeed, not without regret certain proceedings to which you have alluded, and in regard to these, I have to say that gentlemen may not think it necessary or proper that they should be called upon to affirm, by resolution, that which is already the existing law of the land. That any positive movement to repeal or alter any, or all the Compromise measures, would meet with any general encouragement or support, I do not at all believe. But however that may be, my own sentiments remain, and are likely to remain, quite unchanged. I am in favor of upholding the Constitution in the general and in all its particulars. I am in favor of respecting its authority and obeying its injunctions; and to the end of life shall do all in my power to fulfill, honestly and faithfully, all its provisions. I look upon the Compromise measures as a proper, fair and final adjustment of the questions to which they relate; and no re-agitation of those questions, no new opening of them, no effort to create dissatisfaction with them, will ever receive from me the least countenance or support, concurrence or approval, at any time, or under any circumstances. I am, with regard,

Your obedient servant,
DANIEL WEBSTER.
G. A. TAVENNER, Esq.

Result of a Dream.
A man somewhat given to superstition, dreamed one Sunday night, that he saw an omnibus in the street, containing four passengers, and drawn by six horses, each animal having six legs. Upon waking from his sleep, he sprang out of bed and made a note of the figures, 4, 6, 36. On Monday, he spent several hours searching after a lottery ticket with the numbers 4, 6, 36 upon it. Finding one at last, he paid \$20 for it, 12 per cent off. On Tuesday strange to relate, the ticket drew a Mont.

ORIGINAL.
The following letter, which has been politely handed to us for publication, affords a beautiful blending of maternal love and Christian resignation. It cannot fail to benefit others who have been called, in like manner, to pass under the rod.

NEW LONDON, Chester Co. Pa.)
April 12th, 1852.

My Dear Cousin: When I received your last letter my heart was happy—now it is almost broken. Death has entered our little trio, and the little bud of promise has drooped—withered—died. Yes, my darling child, my first-born whom I loved—idolized: aye, almost worshipped—This treasure on which our souls were too much, far too much centred, has by a kind Providence been removed from our sight. The house seems lonely and desolate; the pattering of those little feet, the sweet music of his voice, his first words "mamma" "pappa" is hushed forever. Oh! the utter loneliness and desolation. How shall I become reconciled? My heart sinks and I am almost ready to give up in despair,—until I look to heaven, to God, and put my trust in Him, knowing that "He doeth all things well." It is Him that has taken our loved one hence. He knew that I was not worthy of such a treasure,—that I was not capable of rearing such a tender, beautiful flower. He has kindly taken him to Himself, where he will be reared in immortal beauty forever and forever. May that kind Heavenly Father give me strength to bear my sad bereavement, without murmuring. Oh! I feel that he does support me. "He is a sure rock of defence." "But though He cause grief, yet will he have compassion according to the multitude of his mercies."—For He doth not afflict willingly, nor grieve the children of men. Surely I must not murmur against this kind Being.

Our dear little sufferer was taken ill on Sunday night, one week ago yesterday; in five days after he was a corpse.

We called in a Physician on Tuesday evening, but the disease seemed to have taken such a deep hold on his constitution from the first, that all remedies seemed to fail at last, although some of the worst symptoms were checked. We were flattered until the very evening before he died that he would recover; but I am now convinced that it was more our strong desire that he would live than the favorable appearance of the symptoms, which made us indulge in the fond hope.

He suffered a most intense degree of pain, and when I found he could not survive, it was a relief to know that he was freed from sufferings.—But oh! it was truly a sad, sad relief, and a hard task to give him up. My heart is heavy, bruised; there are so many vain regrets and longings, so many bright hopes, anticipations and plans all broken off so suddenly.—But I will hush my heart and school myself to bear whatever my Father lays upon me. Oh! the changing scenes of this life, ever varying. May God help us ever to be prepared for them.

Write to me, dear cousin. Your sweet letters will be consoling to my heart. You have passed through many trials, and possess a sympathizing heart.

I trust that it is His will that you shall be saved from experiencing such a scene of suffering as the one I have been called to pass through.

I cannot write more now. I would commune with you often.

May Heaven's choicest blessings rest on you and your sweet children—My love to your husband, Adieu.

Religious Freedom.

The Shah of Persia, it is reported, has proclaimed liberty of conscience, and toleration of all religions within the limits of his kingdom. Mahomedanism has seldom before made such a concession. This will open a wide field to Christian Missionaries, which they have hitherto found it difficult and often impossible to enter.